REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested. Claims 1, 7, 18 and 24 are pending in this application. No claim amendments are presented, thus, no new matter is added.

In the Office Action, Claims 1 and 7 were rejected under 35 U.S.C. § 102(b) as anticipated by Nishikawa et al. (U.S. Pat. 6,246,438, herein Nishikawa); and Claims 18 and 24 were rejected under 35 U.S.C. §103(a) as unpatentable over Nishikawa.

In response to the above-noted rejections, Applicants respectfully submit that independent Claims 1 and 18 recite novel features clearly not taught or rendered obvious by Nishikawa.

Independent Claim 1, for example, recites an apparatus for coding and decoding, comprising:

> a decoding unit which decodes compressed and coded data to restore original image data;
> a storing unit which stores additional information other than the image data in memory;
> a coding unit which encodes at least a portion of the additional information stored in said memory as information additional to the image data when performing second-time encoding of the image data decoded by said decoding unit; and
> ***an additional information extracting unit which extracts the additional information from the compressed and coded data when the compressed and coded data is decoded***, and said storing unit stores the additional information extracted by said additional information extracting unit in said memory.

Independent Claim 18, while directed to an alternative embodiment, recites similar features. Accordingly, the remarks and arguments presented below are applicable to each of independent Claims 1 and 18.

In rebutting the previously presented arguments that Nishikawa fails to disclose the above noted feature recited in amended independent Claim 1, the Office Action asserts that the claim language "does not require to extract additional information before, after or at the

2

time of decoding." However, Claim 1 specifically recites that the additional information extracting unit "extracts the additional information from the compressed and coded data *when the compressed and coded data is decoded.*" As described in an exemplary embodiment at Fig. 9 and p. 33, l. 18 - p. 34, l. 7 of the specification, data that has been compressed and coded is loaded into a work area of a memory, and a decoder decodes the code data to obtain original image data. While this is done, comment data (e.g., additional information) included in the code data is extracted and stored separately from the image data. Thus, Claim 1, along with an exemplary description in the originally filed specification, clearly discloses that the additional in formation is extracted "*when the compressed and coded data is decoded.*"

In rejecting the features directed to the "additional information extracting unit" the "Response to Arguments" portion of the Office Action cites the separator 340 shown in Fig. 5 of Nishikawa and asserts that the separator 340 "extracts information 224 from compressed and coded data 260 and this meets claimed features." However, Fig. 5 of Nishikawa shows that the separator is included in the image coded data re-encoding apparatus 30, and separates combination data 260 into first image coded data 220 and "multiple signals associated with the first image coded data..." 224. Thus, the separator 340 separates the combination data 260 as part of a re-encoding procedure, which occurs before the data is decoded at the decoder 50 in Nishikawa. Therefore, the separator 340 in Nishikawa does not "extract the additional information from the compressed and coded data *when the compressed and coded data is decoded,*" as required in independent Claim 1.

In rejecting the claimed features directed to the "additional information extracting unit," the Office Action also relies on the information extractor/estimator 350, depicted in Fig. 6. As described at col. 15, ll. 11-20 of Nishikawa, the information extractor/estimator 350 extracts or estimates from the coded data after signal processing 221 the information

3

which is needed for re-encoding the coded data after signal processing 221 in the second digital signal processing, and supplies the resultant information to the image coded data synthesizer 320 as the multiple signals 225 associated with the first image coded data. In this case, the coded data after signal processing 221 is obtained by decoding the first image coded data 220 by applying the first digital signal processing to the image coded data 220 in the image coded data analyzer 310. Thus, Nishikawa describes extracting information from decoded image data, but fails to teach or suggest extracting additional data from *the compressed and encoded data when the compressed and coded data is decoded*, as required by independent Claims 1 and 18.

Therefore, Nishikawa fails to teach or suggest "an additional information extracting unit which extracts the additional information from the compressed and coded data *when the compressed and coded data is decoded...*" as recited in independent Claim 1.

Accordingly, Applicants respectfully request that the rejection of Claim 1 (and Claim 7, which depends therefrom) under 35 U.S.C. § 102 be withdrawn. For substantially similar reasons, it is also submitted that independent Claim 18 (and Claim 24, which depends therefrom) patentably defines over Nishikawa, and Applicants request that the rejection of these claims under 35 U.S.C. § 103 be withdrawn.
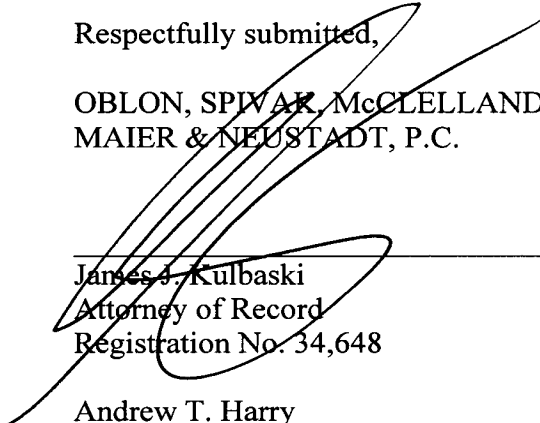
Consequently, in light of the foregoing comments, it is respectfully submitted that the

invention defined by Claims 1, 7, 18 and 24 patentably define over the applied references.

The present application is therefore believed to be in condition for formal allowance and an

early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

James J. Kulbaski
Attorney of Record
Registration No. 34,648

Andrew T. Harry
Registration No. 56,959

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

I:\ATTY\ATH\PROSECUTION\24S\245673US\245673US - AM DUE 6-24-08.DOC